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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,499	11/10/2000	Kevin Irlen	KIRLP001	5143

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EXAMINER

LE, MIRANDA

ART UNIT PAPER NUMBER

2167

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,499

Applicant(s)

IRLEN, KEVIN

Examiner

Miranda Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment, filed 02/25/2005.
2. Claims 42-47 are pending in this application. Claim 42 is independent claims. In the Amendment, claims 1-41 have been canceled, claims 42-47 have been added. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 42-43, 46-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Cherneff et al. (US Patent No. 6,233,493 B1).

Cherneff anticipated independent claims 1, 8, 14, 17, 19, by the following:

As per claim 42, Cherneff teaches a computer implemented system for organizing a data set of information comprising: a data storage;

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a data model comprising a plurality of data elements (i.e. product), wherein each data element is identified by a unique identifier (Die CX322, Fig. 4, col. 2, lines 43-49, col. 6, line 59 to col. 7, line 5) and comprises:

a plurality of frames (i.e. window 40a, 40b, 40c, Fig. 4) having quantitative data relating to the data element, wherein each frame is identified by a unique identifier(col. 6, line 59 to col. 7, line 5); and

a plurality of event segments, each event segment (Design, Mold, Prototype, Test, Fig. 5) having a unique identifier wherein each event segment is defined by a start date and an end date (col. 6, line 59 to col. 7, line 5, Fig. 5) and comprises a link (i.e. link to component model) configured to associate a data element with a corresponding data element (i.e. component), wherein the correspondence is defined by a link model (i.e. resource model, col. 4, lines 26-61) having a unique identifier; and

a data set of information stored in the data storage area, wherein the data set conforms to the data model (col. 3, lines 33-46, col. 6, line 59 to col. 7, line 23).

As per claim 43, Cherneff teaches a first data element comprises a first event segment defined by a first start date a first end date, the first event segment further having a first link identifying an incident that occurred between the first start date and the first end date and correlating the first data element to a second data element, wherein the second data element the first event segment (col. 3, lines 33-46, col. 4, lines 27-61).

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As per claim 46, Cherneff teaches two separate databases (Fig. 2, elements 21, 24) conforming to the data model are merged by a link between an event segment in a first database and a data element in a second database (Fig. 2, (Fig. 2, element 24).

As per claim 47, Cherneff teaches the merged database is organized according to a unique identifiers for data elements, events segments, frames, links, and links models (Fig. 2, element 24, col. 6, line 59 to col. 7, line 23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 44-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Cherneff et al. (US Patent No. 6,233,493 B1), in view of McGlew et al. (US Patent No. 5,772,213).

As per claim 44, Cherneff does not expressly teach “an event segment includes a start range and an end range, wherein the start range indicates a degree of error associated

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with the start date and the end range indicates the degree of error associated with the end date”. However, McGlew teaches this limitation at col. 6, line 37 to col. 7, line 65, Fig.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because McGlew’s teaching of an event segment includes a start range and an end range, wherein the start range indicates a degree of error associated with the start date and the end range indicates the degree of error associated with the end date would have allowed Cherneff’s user to improve the product prioritization and pipeline schedule as measured in terms of an objective criterion such as profit maximization.

As per claim 45, Cherneff does not expressly teach “a frame is defined by time and space coordinates and includes a frame range that indicates the degree of error associated with the time and space coordinates”. However, McGlew teaches this limitation at col. 6, line 37 to col. 7, line 65, Fig. 5.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because McGlew’s teaching of an event segment includes a start range and an end range, wherein the start range indicates a degree of error associated with the start date and the end range indicates the degree of error associated with the end date would have provided Cherneff’s user an interactive visualization with various views that are appropriate for different aspects of the planning process and for different personnel.

Response to Arguments

7. Applicant's arguments regarding Rao, McGlew does not teach the claimed computer implemented system for organizing a data set of information, with respect to claims 42-47, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
April 28, 2005


GRETA ROBINSON
PATENT EXAMINER